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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,485	09/05/2003	J. Robin Tuttle	TUT01 P-101	8636
28101	7590	03/08/2005	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,485

Applicant(s)

TUTTLE, J. ROBIN

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-8, 10-19, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-19, 21, and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 10, 13, 14, 16, 18 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wosje*, U. S. Patent 5,622,307.

3. With respect to claim 1, 14, 16, 18 *Wosje* teaches a rainproof holder comprising a lower pocket/envelop 10 for holding informational material 11, an upper pocket, and an extension 22 extending from the upper pocket. The upper pocket is formed from first wall 18 and second wall 19, wherein the walls are sealed along side edges and along bottom edges to form an opening along the upper edge. The upper wall also has a closure flap 20 to provide a cover for the opening of the pocket. The extension is made of a flexible material. The top of the extension has a loop 31 with a cylindrical member 30 extending there through for engaging the window of a vehicle.

4. The pocket/envelop 10 has a bottom opening.

5. With respect to claims 13 and 24, the extension 22/31 extends from the upper edge of the upper pocket.

6. With respect to claim 10, the upper pocket has a cover 20 for closing the opening.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 4, 6, 7, 8, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wosje in view of Mitchell, U. S. Patent 3,151,649.

9. Mitchell teaches a holder comprising a pocket 20 for holding informational material and an extension 21 extending from the pocket. The extension is made of a flexible material. The top of the extension has a loop 23 with a cylindrical member 22 extending there through for engaging the window of a vehicle.

10. In a second embodiment, Mitchell teaches pouch comprising a first pocket formed by rear wall 36 and intermediate wall 17, wherein the walls are sealed along their edges. Mitchell also teaches an extension 45 extending above the first pocket. A second pocket is formed in front of the first pocket comprising a transparent plastic sheet 54 sealed along the side and bottom edges to form a top opening at edge 56.

11. The pocket has a top opening 29.

12. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Wosje of a transparent plastic material as taught by Mitchell to provide a more durable holder wherein the contents of the pocket are visible.

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13. Claims 1-4, 6-8, 16, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Wosje.

14. With respect to claim 6-8, Mitchell teaches pouch comprising a first pocket formed by rear wall 36 and intermediate wall 17, wherein the walls are sealed along their edges. Mitchell also teaches an extension 45 extending above the first pocket. A second pocket is formed in front of the first pocket comprising a transparent plastic sheet 54 sealed along the side and bottom edges to form a top opening at edge 56.

15. It would have been obvious to one having ordinary skill in the art at the time this invention was made to mount the pocket taught by Mitchell on the outside of the vehicle window as taught by Wosje to provide means to access the material mounted within the pocket.

16. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wosje in view of Johnson, U. S. Patent 1,606,944.

Johnson teaches a pocket holder for automobile comprising a pocket having a closure 6 for the opening of the pocket. The closure also has a snap fastener 9 for securing the closure in the closed position. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the holder taught by Wosje with a fastener on the flap as taught by Johnson to provide a means to securing the flap in the closed position.

With respect to claim 12, since the applicant does not state the hook and loop fasteners solve any stated problem or is for any particular purpose, it appears that

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providing any suitable fastening means as taught by Johnson would perform equally well in securing the flap in a closed position.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wosje in view of Copen, U. S. Patent 2,871,153. Copen teaches a carrier comprising a pocket formed from a front and rear sheet of transparent material, wherein the sheets are sealed along their top and bottom edges to form opening along the side edges. Copen also teaches an upper extension portion 40 for insertion into slots of support member. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the pocket of the device taught by Wosje with side opening as taught by Copen to two opening to the pocket for easier insertion and removal of items placed within the pocket.

### ***Response to Arguments***

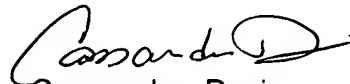
18. Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
March 5, 2005